

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71714 of 2021

Arising Out of PS. Case No.-187 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Tinku Sah @ Rajib Kumar S/O Rajendra Sah R/o Mohalla- Rahamganj, P.S.-
Laheriasarai, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Priya Gupta, Adv. with Mr. Lokesh Kumar, Adv., Mrs. Ananya Maitin, Adv.
For the Opposite Party/s	:	Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Laheriasarai P.S. Case No. 187 of 2021 lodged under Sections
386, 302, 120(B) of the I.P.C. read with Section 27 of the Arms
Act.

As per the prosecution case, the present case has been
lodged against 6 known and one unknown person. It has been
alleged in the F.I.R. by the father of the deceased that his son
was fall in love with the daughter of his neighbour since last 2
years. *Panchayati* takes place on many occasions but they did

not stop to meet with each other and became rigid to marry with each other. It has been alleged that in the *Panchayati*, 6 named persons including the petitioner were present and threatening was given that within 2 days they shall murder to the informant's son. It has been further alleged that on 08.04.2021 a person with mask and helmet came to his house and killed his son, fired gun shot in the stomach of the informant's son. For treatment, he was admitted to hospital where he died.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that the case has been lodged under Sections 386, 302, 120(B) of the I.P.C. but subsequently, the charge sheet has been filed by the police under Section 306 that is a case of abatement for suicide and not for murder. Learned counsel for the petitioner submits that there was no arms recovered in this case, therefore, Section 27 Arms Act is also not applicable. Learned counsel for the petitioner further submits that after filing the charge sheet, cognizance has also taken place under Section 306. Learned counsel further submits that the Co-ordinate Bench of this Court has granted anticipatory bail to similarly situated co-accused in this case vide order dated 19.07.2022 passed in Cr. Misc. No. 68273 of 2021 and 64014 of 2021. He

further submits that petitioner is in custody since 13.09.2021 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Darbhanga in connection with Laheriasarai P.S. Case No. 187 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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